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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/008,271	11/09/2001	James P. Freyensee	5181-96500	2600

7590 11/02/2006

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EXAMINER	
PHAN, THAI Q	
ART UNIT	**PAPER NUMBER**
2128	

DATE MAILED: 11/02/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/008,271	FREYENSEE ET AL.	
	Examiner	Art Unit	
	Thai Phan	2128	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *15 August 2006*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-39* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-39* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *09 November 2001* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

This Office Action is in response to applicants' amendment filed on 08/15/2006.

Claims 1-39 are pending in the action.

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1-39 are rejected under 35 U.S.C. 102(e) as being anticipated by Bealkowski et al, US patent no. 6,282,596 B1.

As per claim 1, Bealkowski anticipates a method and system for simulating and supporting a hot plug or hot pull process or node to its network system with feature limitations very identical to the claimed invention. According to Beadles, the method includes steps

Configuring a first node, the node configured to participate in a simulation of a system under test, the configured node is to simulate the component under test (col. 5, lines 31-40)

A second node or processor configured to transmit a hot plug or hot pull command to the design (col. 5, lines 53-60),

Configuring a second network node to transmit a pull command designating to the first node (col. 6, lines 16-30), and

Responsive to the hot pull command, the first node simulates a removal or addition of the component from the system under test (col. 8, line 13 to col. 9, line 32, for exemplary).

As per claims 2-3, Bealkowski anticipates a plurality of network processors or nodes/components, and nodes (processors) configuration to simulate system under test, component to component connection, etc (cols. 8 and 9).

As per claim 4, Bealkowski anticipates processor for participating the simulation, freeing simulation resources, halting the plug or pull simulation, etc (col. 9, lines 32-51).

As per claim 5, Bealkowski anticipates a controller (70) is to coordinate and connect the processors for hot plug or hot pull simulation (col. 5, lines 30-40, col. 6, lines 6-15).

As per claims 6-10, Bealkowski anticipates a controller interconnected with the processors to simulate, terminate, and/or participate the pull or plug process (col. 5, lines 31-40, col. 6, lines 16-31).

As per claims 11 and 12, Bealkowski anticipates a method and system for simulating and supporting a hot plug or hot pull process or node to its network system with feature limitations very identical to the claimed invention. According to Beadles, the method includes steps

Configuring a first node, the node configured to participate in a simulation of a system under test, the configured node is to simulate the component under test (col. 5, lines 31-40)

A second node or processor configured to transmit a hot plug or hot pull command to the design (col. 5, lines 53-60),

Configuring a second network node to transmit a pull command designating to the first node (col. 6, lines 16-30), and

Responsive to the hot pull command, the first node simulates a removal or addition of the component from the system under test (col. 8, line 13 to col. 9, line 32, for exemplary).

As per claim 12, Bealkowski anticipates a controller interconnected with the processors to simulate, terminate, and/or participate the pull or plug process (col. 5, lines 31-40, col. 6, lines 16-31).

As per claims 13-19, Bealkowski anticipates a plurality of network processors or nodes/components, and nodes (processors) configuration to simulate system under test, component to component connection, etc (cols. 8 and 9). Bealkowski also anticipates a processor for participating the simulation, freeing simulation resources, halting or ceasing the plug or pull simulation, etc (col. 9, lines 32-51), and anticipates a controller (70) in the hot plug or pull simulation to coordinate and connect the processors for hot plug or hot pull simulation (col. 5, lines 30-40, col. 6, lines 6-15).

Claims 21-39 are directed to a computer program product and system to execute the program product for performing steps in claims 1-20 above. Similarly, claims 21-39 are also rejected under the same rationales as set forth.

Response to Arguments

Applicant's arguments with respect to amended claims 1-39 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

1. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

1. US patent no. 6,915,253, issued to Chapman, Barry, on July 2005

2. US patent no. 7,010,607, issued to Bunton, William, on Mar. 2006

2. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thai Phan whose telephone number is 571-272-3783. The examiner can normally be reached on Monday-Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kamini Shah can be reached on 571-272-2279. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

3. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Oct. 26, 2006

THAI PHAN
PRIMARY EXAMINER
TECHNOLOGY CENTER 2100